

REMARKS

This is a full and timely response to the non-final Official Action mailed December 18, 2009 (the "Office Action" or "Action"). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

Claims 1-14 were cancelled previously without prejudice or disclaimer. By the preceding amendment, claims 19-30 have been amended. No claims are added or cancelled. Thus, claims 15-38 are currently pending for further action.

Objection to the Claims:

In the outstanding Office Action, the Examiner objected claims 19-22 because of an informality. While Applicant does not necessarily agree that any of these claims contained informalities as filed, the indicated claims have been amended herein to address the issues raised by the Office Action. Following this amendment, all the remaining claims are believed to not contain further informalities, and notice to that effect is respectfully requested.

35 U.S.C. § 112, second paragraph:

In the recent Office Action, claims 19-22 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claims the subject matter which the applicant regards as the invention. These claims have been carefully reviewed in light of the Examiner's comments.

While Applicant does not necessarily agree that any of these claims were indefinite as filed, the indicated claims have been amended herein to address the issues raised by the

Examiner under 35 U.S.C. § 112, second paragraph. Following this amendment, all the remaining claims are believed to be in compliance with 35 U.S.C. § 112 and notice to that effect is respectfully requested.

Rejections under 35 U.S.C. §101:

In the recent Office Action, claims 15-32, 35, and 37 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. These claims have been carefully reviewed in light of the Examiner's comments and Applicants analysis of the individual independent claims is as follows:

Issue 1:

The Office Action begins its rejection under 35 U.S.C. § 101 by stating that “[t]he claims fail to place the invention squarely within the one statutory class of invention,” because “[o]n page 8, line 20 of the instant specification, applicant has provided evidence that applicant intends the ‘medium’ to include signals. As such, the claim is drawn to a form of energy.”

While Applicant does not necessarily agree that any of these claims were originally drafted with intention to include a form of energy, the specification has amended herein to address the issues raised by the Examiner under 35 U.S.C. § 101. Specifically, the recitations of “a transmitted signal (which may comprise an internet download, an ftp transfer, or the like)” found on page 8, lines 19-23 have been cancelled herein without prejudice or disclaimer. Following this amendment, all the claims are believed to be in compliance with 35 U.S.C. § 101, and notice to that effect is respectfully requested.

Issue 2:

The Office Action then states that “[c]laim 15 is ***directed to a document stored on a medium***, the claims appear to be Nonfunctional descriptive material. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, ***stored on a computer-readable medium***, in a computer, or on an electromagnetic carrier ***signal***, does not make it statutory.” (Action, p. 3) (emphasis added in bold italics). Applicant respectfully disagrees.

First, the Office Action incorrectly classifies the recitations of claim 15. Claim 15 is ***not*** directed to a document stored on a medium. Instead, it is clear that claim 15 is directed to “[a] computer program product ***for generating an electronic document***, the computer program product comprising ***a computer usable medium*** having computer usable program code embodied therewith, the computer usable program code comprising ***computer usable program code configured to define the electronic document***. Therefore, it is clear that claim 15, in the first instance, is directed to a computer program product comprising a computer usable medium, and that, in the second instance, that the computer usable medium has computer usable program code embodied therewith comprising computer usable program code configured to ***define*** an electronic document.

Secondly, claim 15 is clearly directed to statutory subject matter in light of *In re Beauregard*. *In re Beauregard* was a precedential order dismissing an appeal because ***the PTO conceded*** that “computer programs embodied in a tangible medium, such as floppy diskettes, are patentable subject matter under 35 U.S.C. § 101 and must be examined under 35 U.S.C. §§ 102 and 103.” *In re Beauregard*, 53 F.3d 1583, 1584. Claim 15 recites the following:

A computer program product for generating an electronic document, the computer program product ***comprising***:

a computer usable medium having computer usable program code embodied therewith, the computer usable program code comprising:
 computer usable program code configured to define the electronic document;
 in which the computer usable program code comprises first and second portions of data;
 in which the first portion of data defines the content of the electronic document and the second portion comprises data relating to a pattern of position identification markings such that, when the electronic document is printed, a pattern reading device is able to determine its position relative to the position identification markings; and
 in which the computer usable program code comprises a single data file with the first and second data portions being embedded within the data file.
 (Emphasis added).

It is clear that claim 15 is directed to a computer program product . . . comprising a computer usable medium” Thus, in light of the *In re Beauregard* decision, claim 15 is clearly directed to statutory subject matter. Therefore, claim 15 is believed to be in compliance with 35 U.S.C. § 101, and notice to that effect is respectfully requested.

Issue 3:

Finally, the Office Action states the following:

Claim 32 lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be composition of matter. . . . ***They are, at best, functional descriptive material per se.***
 (Emphasis added).

Applicant respectfully disagrees. Claim 32 recites:

A system for producing an electronic document, the system comprising:
 means for receiving the content of the electronic document,
 means for receiving data defining a pattern of positional markings allocated to at least a portion of the document; and
 means for generating a data structure defining the electronic document which data structure comprises first and second portions of data, the first portion of data defining the content and the second portion of data relating to the pattern.

Claim 32 includes several recitations that fall within or invoke 35 U.S.C. § 112, sixth paragraph. As such, “35 U.S.C. 112, sixth paragraph states that a claim limitation expressed in means-plus-function language ‘shall be construed to cover the corresponding structure described in the specification and equivalents thereof.’” MPEP § 2181.

Applicant respectfully asserts that all the recitations of claim 32 are supported by corresponding structure described in the specification. For example, support for the recitation “means for receiving the content of the electronic document” may be found in the specification as only one of potentially many embodiments, at, for example, page 7, ll. 19-21, in which it is disclosed that “[t]he content receiving means may include a graphical user interface.”

Further, support for the recitation “means for receiving data defining a pattern of positional markings allocated to at least a portion of the document” may be found in the specification as only two of potentially many embodiments, at, for example, page 20, ll. 23-31, in which is disclosed the following:

The creation of the data set defining the digital document is performed by *a form design tool*, requiring pattern to be allocated at the design stage. This need not be the case in other embodiments. For example, the data structure may be created by *a printer driver* upon receipt of a file which comprises content and a file which defines at least one pattern area. *Before receipt by the printer driver the area need not have actual pattern allocated to it, this being performed by the printer driver, perhaps by accessing a pattern allocation server.*

(Emphasis added).

Finally, support for the recitation “means for generating a data structure defining the electronic document which data structure comprises first and second portions of data, the first portion of data defining the content and the second portion of data relating to the pattern” may be found in the specification as only one of potentially many embodiments, at, for example, page 20, ll. 26-28, in which is disclosed that “the data structure may be created by *a printer*

driver upon receipt of a file which comprises content and a file which defines at least one pattern area.”

Thus, it is clear that each of the recitations of claim 35 *are* supported by corresponding structure or structures described in the specification. Therefore, the Office Action’s assertion that “[c]laim 32 lacks the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 U.S.C. 101,” is completely unfounded. In light of these arguments, claim 32 is also believed to be in compliance with 35 U.S.C. § 101, and notice to that effect is respectfully requested.

Prior Art:

Rejections under 35 U.S.C. §102(e):

1. In the recent Office Action, claims 15-38 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,623,713 to Lapstun et al. (hereinafter Lapstun). For at least the following reasons, this rejection should be reconsidered and withdrawn.

Claim 15:

Claim 15 recites:

A computer program product for generating an electronic document, the computer program product comprising:
a computer usable medium having computer usable program code embodied therewith, the computer usable program code comprising:
computer usable program code configured to define the electronic document;
in which the computer usable program code comprises first and second portions of data;
in which the first portion of data defines the content of the electronic document and the second portion comprises data relating to a pattern of position identification markings such that, when the electronic document is printed, a pattern reading device is able to determine its position relative to the position identification markings; and

in which the computer usable program code comprises a single data file with the first and second data portions being embedded within the data file.

(Emphasis added).

In contrast, Lapstun does not teach or suggest “[a] computer program product for generating an electronic document, the computer program product comprising a computer usable medium having computer usable program code embodied therewith, the computer usable program code comprising computer usable program code configured to define the electronic document, in which the computer usable program code comprises first and second portions of data, in which . . . the second portion comprises data relating to a pattern of position identification markings . . . and in which the computer usable program code comprises a single data file with the first and second data portions being embedded within the data file.” (Claim 15). The Office Action states that “Lapstun teaches . . . ‘in which the computer usable program code comprises a single data file with the first and second data portions being embedded within the data file’ at Col. 14 lines 11-67. (Action, pp. 4-5).

However, this is incorrect.

Lapstun simply teaches document and page descriptions which make up a formatted document. For example, Lapstun teaches that “[a]t the most abstract level the document 836 has a hierarchical structure whose terminal elements 839 are associated with content objects 840 such as *text objects*, *text style objects*, *image objects*, etc.” However, Lapstun is silent on providing *a single data file* that includes these terminal elements within the data file. Further, Lapstun is silent on providing *a single data file* that includes content of the electronic document *and* data relating to a pattern of position identification markings.

In contrast, claim 15 recites: “computer usable program code configured to define the electronic document, in which the computer usable program code comprises first and second

portions of data, in which the first portion of data defines the content of the electronic document and the second portion comprises data relating to a pattern of position identification markings . . . and in which the computer usable program code comprises a single data file with the first and second data portions being embedded within the data file.” This subject matter is clearly not taught or suggested by Lapstun.

Respectfully, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown *in as complete detail as contained in the ... claim.*” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Lapstun clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Lapstun clearly fails to satisfy the requirements for anticipating claim 15, the rejection of claim 15 and its dependent claims should be reconsidered and withdrawn.

Claim 32:

Claim 32 recites:

A system for producing an electronic document, the system comprising:
 means for receiving the content of the electronic document,
 means for receiving data defining a pattern of positional markings
allocated to at least a portion of the document; and

means for generating a data structure defining the electronic document which data structure comprises first and second portions of data, the first portion of data defining the content and the second portion of data relating to the pattern.

(Emphasis added).

In contrast, Lapstun does not teach or suggest “[a] system for producing an electronic document, the system comprising means for generating a data structure defining the electronic document which data structure comprises first and second portions of data, the first portion of data defining the content and the second portion of data relating to the pattern.” (Claim 32). The Office Action states that “Lapstun teaches . . . ‘means for generating a data structure defining the electronic document which data structure comprises first and second portions of data, the first portion of data defining the content and the second portion of data relating to the pattern’ at Col. 14 lines 10-67.” (Action, p. 9). However, this is incorrect.

As similarly argued above in connection with the patentability of independent claim 15, Lapstun simply teaches document and page descriptions which make up a formatted document. For example, Lapstun teaches that “[a]t the most abstract level the document 836 has a hierarchical structure whose terminal elements 839 are associated with content objects 840 such as *text objects*, *text style objects*, *image objects*, etc.” However, Lapstun is silent on generating a data structure defining an electronic document which data structure comprises first *and* second portions of data. Further, Lapstun is silent on generating a data structure defining an electronic document which data structure comprises first and second portions of data, the first portion of data defining the content and the second portion of data relating to the pattern. In other words, Lapstun is silent on providing *a single data file* that includes content of the electronic document *and* data relating to a pattern of position identification markings.

In contrast, claim 32 recites: “[a] system for producing an electronic document, the system comprising means for generating a data structure defining the electronic document which data structure comprises first and second portions of data, the first portion of data defining the content and the second portion of data relating to the pattern.” This subject matter is clearly not taught or suggested by Lapstun.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown *in as complete detail as contained in the ... claim.*” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Lapstun clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Lapstun clearly fails to satisfy the requirements for anticipating claim 32, the rejection of claim 32 and its dependent claims should be reconsidered and withdrawn.

Claim 33:

Claim 33 recites:

A method for generating an electronic document comprising creating an electronic file and *storing in that file data and metadata, the data defining at least some content and the metadata relating to a pattern of position identification markings* arranged to allow a pattern reading device to

determine its position within the position identification markings, the electronic file capable of generating an electronic document.
(Emphasis added).

In contrast, Lapstun does not teach or suggest “[a] method for generating an electronic document comprising creating an electronic file and storing in that file data and metadata, the data defining at least some content and the metadata relating to a pattern of position identification markings” (Claim 33). The Office Action states that “Lapstun teaches . . . ‘creating an electronic file and storing in that file data and metadata, the data defining at least some of the content’ at Col. 9 lines 45-55 and Figs. 1, 25-26;” and “‘and the metadata relating to a pattern of position identification markings . . .’ at Col. 9 line 66 to Col. 10 line 13”. (Action, pp. 9-10). However, this is incorrect.

As similarly argued above in connection with the patentability of independent claim 15, Lapstun simply teaches document and page descriptions which make up a formatted document. For example, Lapstun teaches that “[a]t the most abstract level the document 836 has a hierarchical structure whose terminal elements 839 are associated with content objects 840 such as *text objects*, *text style objects*, *image objects*, etc.” Further, Lapstun teaches tags that identify positions on a page. (Lapstun, col. 9, line 66 through col. 10, line 13). However, Lapstun is silent on creating an electronic file and storing in that file data *and* metadata. Further, Lapstun is silent on creating an electronic file and storing in that file data and metadata, the data defining at least some content and the metadata relating to a pattern of position identification markings. In other words, Lapstun is silent on creating *a single data file* that includes content of the electronic document *and* data relating to a pattern of position identification markings.

In contrast, claim 33 recites: “[a] method for generating an electronic document comprising creating an electronic file and storing in that file *data and metadata*, the data

defining at least some content and the metadata relating to a pattern of position identification markings” (Emphasis added). This subject matter is clearly not taught or suggested by Lapstun.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown *in as complete detail as contained in the ... claim.*” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Lapstun clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Lapstun clearly fails to satisfy the requirements for anticipating claim 33, the rejection of claim 33 and its dependent claims should be reconsidered and withdrawn.

Additionally, various dependent claims of the application recite subject matter that is further patentable over the cited prior art. Specific, non-exclusive examples follow.

Claims 17 and 18:

Claim 17 recites: “[t]he computer program product of claim 15 in which the second portion of data comprises metadata and *in which the computer usable program code includes one or more controls which control the way in which the second portion of data is converted between formats to preserve the pattern.*” (Emphasis added). Claim 18 similarly

recites: “[t]he computer program product of claim 16 in which the second portion of data comprises metadata and *in which the computer usable program code includes one or more controls which control the way in which the second portion of data is converted between formats to preserve the pattern.* (Emphasis added).

In contrast, Lapstun does not teach or suggest “in which the computer usable program code includes one or more controls which control the way in which the second portion of data is converted between formats to preserve the pattern.” In the first instance, in light of the above arguments presented above in favor of the patentability of independent claim 15 it is clear that Lapstun does not teach or suggest providing *a single data file* that includes content of the electronic document *and* data relating to a pattern of position identification markings.

Further, although the Office Action asserts that the recitations of claims 17 and 18 are taught at column 11, lines 20-65 and column 31, lines 25-50, this is incorrect. (Action, pp. 5-6). Column 11, lines 20-65 discuss generally the physical structure of the tags of Lapstun as they existed printed on a piece of medium. This portion of Lapstun is silent on conversion of any data between formats.

The Office Action then cites to column 31, lines 25-50 of Lapstun. This portion of Lapstun teaches that “[w]hen a non-netpage document is requested on demand, it is not personalized, and it is delivered via a designated netpage formatting server which reformats it as a netpage document.” (Lapstun, col. 31, ll. 30-33). It is clear that *only the document* of Lapstun is being converted from one format to another. However, Lapstun is silent on converting a second portion of data comprising metadata from one format to another.

In contrast, claims 17 and 18 recite: “in which the computer usable program code includes one or more controls which control the way in which the second portion of data is

converted between formats to preserve the pattern.” This subject matter is clearly not taught or suggested by Lapstun.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown *in as complete detail as contained in the ... claim.*” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Lapstun clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Lapstun clearly fails to satisfy the requirements for anticipating claims 17 and 18, the rejection of claims 17 and 18, and their respective dependent claims should be reconsidered and withdrawn.

Claims 19 through 22:

Claim 19 recites: “[t]he computer program product of claim 15 in which the data in the second portion comprises any one or more of the following: data from which an algorithm can generate the pattern; co-ordinates or other metadata identifying the portion of the position identification marking.” (Emphasis added). Claims 20 through 22 contain similar recitations. In contrast, Lapstun does not teach or suggest “in which the data in the second portion comprises any one or more of the following: data from which an algorithm can generate the

pattern; co-ordinates or other metadata identifying the portion of the position identification marking.” (claims 19 through 22). In rejecting claims 19 through 22, the Office Action cites to column 12, lines 10-65.

Applicant notes that this portion of Lapstun generally discloses the use of a netpage pen in detecting, processing and decoding tags within a document *after* the tags have been printed to a medium. In other words, this portion of Lapstun simply teaches the use of a netpage pen in imaging the tags and does not discuss data from which an algorithm can generate the pattern or co-ordinates or other metadata identifying the portion of the position identification marking. Thus, this portion of Lapstun simply does not disclose the recitations of claims 19 through 22.

Further, Applicant asserts that Lapstun is silent with regard to “data from which an algorithm can generate the pattern; co-ordinates or other metadata identifying the portion of the position identification marking.” (Claims 19 through 22). Lapstun teaches tags that identify the page description and the tag’s own position on a page. However, nowhere does Lapstun teach or suggest data from which an algorithm can generate a pattern or co-ordinates or other metadata identifying the portion of the position identification marking.

In contrast, claims 19 through 22 recite: “in which the data in the second portion comprises any one or more of the following: data from which an algorithm can generate the pattern; co-ordinates or other metadata identifying the portion of the position identification marking.” This subject matter is simply not taught or suggested by Lapstun.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown *in as complete detail as contained in the ... claim.*” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9

USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Lapstun clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Lapstun clearly fails to satisfy the requirements for anticipating claims 19 through 22, the rejection of claims 19 through 22, and their respective dependent claims should be reconsidered and withdrawn.

Claims 23 through 30, and 38:

Claim 23 recites: “The computer program product of claim 15 ***in which the second portion of data is provided in XML.***” (Emphasis added). Claims 24 through 30 contain similar recitations. Support for the amendment to claims 23 through 30 can be found in Applicant’s originally filed specification at, for example, page 6, lines 17-19. Similarly, claim 38 recites: “The method of claim 34, ***in which the metadata is XML metadata.***” (Emphasis added). In contrast, Lapstun does not teach or suggest 15 in which the second portion of data is provided in XML.

The Office Action cites to column 30, lines 5-40 in rejecting claims 23 through 30. This portion of Lapstun simply states that “***a text object*** contains fully-formatted text represented in the Extensible Markup Language (XML).” (Lapstun, col. 30, ll. 5-6) (emphasis added). Applicant notes that Lapstun simply teaches that a text object may be represented in XML format. Nowhere does Lapstun teach or suggest that a second portion of

data (comprising data relating to a pattern of position identification markings per claim 15) is represented in XML format.

In contrast, claims 23 through 30 recite: “in which the second portion of data is provided in XML.” Similarly, claim 38 recites: “The method of claim 34, in which the metadata is XML metadata.” This subject matter is clearly not taught or suggested by Lapstun.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown *in as complete detail as contained in the ... claim.*” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Lapstun clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Lapstun clearly fails to satisfy the requirements for anticipating claims 23 through 30, and 38, the rejection of claims 23 through 30 and 38 should be reconsidered and withdrawn.

Conclusion:

In view of the preceding arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

The absence of a reply to a specific rejection, issue, or comment in the Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: March 18, 2010

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